

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION
CASE NO.: 1:21-cv-00646

HAMMERSLEY, LLC

and

JAMES WALKER,

Plaintiffs,

V.

PORSCHE CARS NORTH AMERICA,
INC.

Defendant.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Porsche Cars North America, Inc. (“PCNA”) hereby removes this case to this court and provides notice of the same to Plaintiffs Hammersley, LLC and James Walker. PCNA states the following in support of removal:

STATE COURT ACTION

1. On or about April 28, 2021, Plaintiffs filed in the Circuit Court of Loudoun County, Virginia, a Complaint against PCNA and was assigned Case Number CL21-2677. (Compl., attached as Ex. A.)

2. In the Complaint, Plaintiffs seek a refund of the purchase price of the subject vehicle, which was \$143,571.85. (*Id.*; *see also* Buyer's Order, attached as Ex. B.)

TIMELINESS

3. PCNA was served with a copy of the Complaint on May 7, 2021.

4. This Notice of Removal is timely filed pursuant to the requirements set forth in 28 U.S.C. § 1446(b)(1). It is filed within thirty (30) days after the service of the original Complaint upon the Porsche Defendant.

JURISDICTION

5. This action is one over which the Court has original jurisdiction under the provisions of 28 U.S.C. § 1332, and is one that may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441, because it is a civil action wherein the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and it is between citizens of different states.

6. Complete diversity of citizenship exists between Plaintiff and Defendants.

(a) Plaintiff Hammersley, LLC is a citizen and domiciliary of Campbell County, Virginia. (Ex. A at ¶ 1.)

(b) Plaintiff James Walker is a citizen and domiciliary of Loudoun County, Virginia. *Id.*

(c) Defendant PCNA is and was at the time of filing a corporation incorporated under the laws of Delaware with its principal place of business in Georgia.

7. Furthermore, the amount in controversy exceeds \$75,000.00 exclusive of interest and costs. (*Id.* at pg. 6; Ex. B.)

8. Therefore, this Honorable Court has subject matter jurisdiction over this civil action under 28 U.S.C. § 1332, in that diversity of citizenship exists within the meaning of the statute and the amount in controversy exceeds \$75,000, exclusive of interest and costs, thereby entitling PCNA to remove this action to the Federal Court sitting in the Eastern District of Virginia, Alexandria Division. *See* 28 U.S.C. § 1441(a)-(b). In the event the Court finds the showing herein

to be insufficient, PCNA respectfully requests the opportunity to cure any such defect, including the submission of appropriate jurisdictional discovery, before any adverse ruling is made.

VENUE AND OTHER MATTERS

9. This case is properly removed to the Eastern District of Virginia, Alexandria Division, because Plaintiffs filed this Complaint in the Circuit Court of Loudoun County, Virginia. *See* 28 U.S.C. § 1441(a); 28 U.S.C. § 113.

10. Written notice of the filing of this Notice of Removal will be given to all adverse parties and filed with the Clerk of the Circuit Court of Loudoun County, Virginia, in accordance with 28 U.S.C. § 1446(d), promptly after the filing of the instant pleading in this Honorable Court.

11. In accordance with 28 U.S.C. § 1446(a), a complete copy of the state court file—excluding the Complaint (*see* Ex. A) and including the to-be-filed Notice of Filing of Notice of Removal—is attached as Exhibit C.

WHEREFORE, Porsche Cars North America, Inc. hereby removes this case to the United States District Court for the Eastern District of Virginia, Alexandria Division.

May 26, 2021.

PORSCHE CARS NORTH
AMERICA, INC.

By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served on the other parties by email and by first class mail, postage prepaid, on May 26, 2021.

/s/ Miranda G. James